

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Marc Tremblay

Application No.: 09/583,097

Confirmation No.: 7166

Filed: August 2, 1999

Art Unit: 2183

For: PIPELINED PROCESSOR WITH MULTI-  
CYCLE GROUPING FOR INSTRUCTION  
DISPATCH

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Examiner: D. J. Huisman

**PETITION UNDEER 37 CFR § 1.181(a) TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the procedure outlined in MPEP § 711.03(c)(I)(A), Applicant respectfully requests withdrawal of the holding of abandonment indicated in the Notice of Abandonment mailed March 12, 2008, because the Office Action marked as mailed on October 5, 2007 was never received by mail at the address of record by Applicant's undersigned representative.

Applicant's Representatives first became aware of the Office Action on February 4, 2008, when checking Private PAIR to verify status of the application. At that point the non-extendible November 5, 2007 due date for responding to the Office Action had expired. Applicant's undersigned representative spoke with Examiner Huisman on the following day to apprise him of the situation, and Examiner Huisman recommended waiting to receive a Notice of Abandonment before filing any documents with the U.S. Patent and Trademark Office to address the situation.

On information and belief and based on a search of Applicant's Representatives' records with respect to this application, including the application file jacket, application contents, electronic docketing database and other records relating to this application, the mailed copy of the Office Action was not received at the correspondence address of record.

It is a standard practice at Darby that all mail is received by the Records Department of the law firm. If a piece of mail is found to contain an Official Communication from the U.S. Patent and Trademark Office (USPTO), the Records Department date stamps the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official Communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

All USPTO documents with deadlines (including Office Actions) are scanned into the firm's network so that they can be viewed and/or printed at any time. In addition, a docket entry indicating that mail has been received is entered into the corresponding record in our database, identified by the USPTO mail date and name of the document. To keep the firm's personnel fully informed at all times, a database report is generated on a daily basis identifying all USPTO mail received. The actual USPTO document is then matched to the hard file and delivered to the Docketing Department for docketing in the firm's hard docketing ledgers.

Filed herewith are copies of database reports that list all USPTO mail received between September 28, 2007 and October 19, 2007. If Darby had received the Office Action mailed October 5, 2007, it would be listed among these database reports. It is not.

Also filed herewith is a copy of all November 5, 2007 entries in Darby's Incoming Docket Book. In accordance with Darby standard procedure, all "drop-dead", *i.e.*, non-extendible due dates for responding to Office Actions are recorded in the Incoming Docket Book, by listing the attorney docket number of the application on the due date in the Incoming Docket Book. The Office Action in question is marked with a mailing date of October 5, 2007 and the Examiner set a one-month, non-extendible due date (November 5, 2007) for responding to the Office Action. If Darby had received the Office Action mailed October 5, 2007, then the November 5, 2007

entry in the Incoming Docket Book would list the application's attorney docket number, 20910/1205486-US1. It does not.

Applicant respectfully submits that this Petition and the supporting documents filed herewith satisfy the requirements set forth in MPEP § 711.03(c)(I)(A). Grant of this Petition and entry of the Amendment filed on an even date herewith are respectfully requested..

Dated: April 30, 2008

Respectfully submitted,

By 

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